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## Constitution and By-Laws of the South Carolina Bar Association

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## APPENDIX

### CONSTITUTION AND BY-LAWS

of

### THE SOUTH CAROLINA BAR ASSOCIATION

#### NAME

*Article I.* This Association shall be called the South Carolina Bar Association.

#### OBJECTS

*Article II.* The Association is formed to maintain the honor, dignity and courtesy of the profession of the law; to advance the science of jurisprudence; to promote the due administration of justice and reforms in the law; to encourage liberal education for the Bar, and to cultivate cordial intercourse among the members of the South Carolina Bar.

#### QUALIFICATIONS FOR MEMBERSHIP

*Article III.* Any person a member of the South Carolina Bar who the Vice-President of his Judicial Circuit concludes will be benefited by being a member of the Association and who such Vice-President further concludes will be a benefit to the Association shall be eligible for membership in the Association; upon such a person tendering his dues, making application, and the application being approved by such Judicial Circuit Vice-President, he shall be enrolled by the Executive Secretary as such a member; however, the action of such Vice-President in either approving or rejecting an application shall be subject to review by the Executive Committee of the Association.

The Vice-President of each Judicial Circuit shall constitute a one man Membership Committee in his Circuit and shall represent the Association to whom shall be referred all applications for membership from such Circuit, and his approval shall be a condition precedent to membership in the Association of members of the Bar in his Circuit; however, the action of such Vice-President in either approving or rejecting an application shall be subject to review by the Executive Committee of the Association.

#### OFFICERS

*Article IV.* The officers of the Association shall be a President, who shall not be eligible for re-election; a First Vice-President; One Vice-President from each Judicial Circuit in this State represented in the Association; an Executive Secretary, who shall also be Treasurer; and Executive Committee to be composed of the President, the First Vice-President and three other members of the Association. The President, First Vice-President, one member of the Executive Committee, and the Vice-Presidents from each Judicial Circuit shall be elected at each annual meeting for terms of one year each excepting that the member of the Executive Committee so elected shall be elected for three years. There shall be a Committee on Nominations for these offices of the Associa-

tion, the Committee to be selected at each annual meeting from the members present from each Judicial Circuit; the President shall cause the members of the several Judicial Circuits to caucus and respectively name a member in attendance from said Circuit as a member of the Nominating Committee. The Nominating Committee shall meet promptly and upon making its report the Association shall elect the officers above indicated. Nominations may be received from the floor. Voting shall be by ballot unless by majority vote at the time it is otherwise ordered.

The members of the Executive Committee, other than the ex-officio members, shall be elected for terms of three years each; *Provided, however*, in the election of the Executive Committeemen at the 1948 Annual Meeting one Executive Committeeman shall be elected for a term of one year, and one Executive Committeeman shall be elected for a term of two years, and one Executive Committeeman shall be elected for the full term of three years. Thereafter at each annual meeting one Executive Committeeman shall be elected to succeed the Committeeman whose term then expires.

The Executive Secretary shall be selected by the Executive Committee and shall attend all meetings of the Association. He shall attend all meetings of the Executive Committee and of other Committees when requested to do so.

#### COMMITTEES

*Article V.* The following Standing Committees shall be annually appointed by the Executive Committee prior to the annual meeting and shall consist of the number of members indicated below:

1. On Institutes, Symposiums and Seminars. Fourteen members, being one from each Judicial Circuit.
2. On Memorials to Deceased Members. Fourteen members, being one from each Judicial Circuit.
3. On Public Information. Fourteen, including the Chairman of the Executive Committee.
4. On Procedural and Law Reform. Five.
5. On Ethics and Professional Responsibility. Three.
6. On the Law School. Fourteen members, being one from each Judicial Circuit.
7. On Grievances. Five.
8. On Annual Review of Statutory Law. Three.
9. On Review of Case Law. Fourteen.
10. On Legislation: however, this does not preclude the Association, when it concludes advisable, from setting up a special committee acting independently or with the Committee on Legislation in fostering recommended legislative action.
11. On Unauthorized Practice.

The majority of any Committee shall constitute a quorum.

The Executive Committee in appointing members of the various Standing Committees is charged with the duty of providing a system or policy of modified rotation.

All Committees shall at each annual meeting report in writing a summary of their proceedings and recommendations.

## THE EXECUTIVE COMMITTEE

*Article VI.* The Executive Committee shall manage the affairs of the Association, subject to the Constitution and By-Laws, and shall annually select one of its members as its chairman, which chairman shall be in charge of the administration of the affairs of the Association.

All appropriations of the funds of the Association must be made by this Committee, unless otherwise ordered by the Association by a two-thirds vote.

The Executive Committee shall represent the Association on the Advisory Board of the South Carolina Law Quarterly.

## OTHER COMMITTEES

*Article VII.* The Association may provide for such other Standing Committees as it may deem necessary. Other Committees may be appointed by the Association or the President or the Executive Committee.

## ANNUAL DUES

*Article VIII.* The annual dues shall be \$12.50, and the Secretary of the Association is hereby authorized to draw on the members for their annual dues as they respectively become due. Members shall be entitled to receive the South Carolina Law Quarterly. The annual dues of each member shall be payable in advance each year by the anniversary of his enrollment. If any member neglects to pay his dues when due and remains in default for sixty days after notice thereof, this shall be deemed his resignation from the Association and he shall be dropped from the roll of members. The Secretary-Treasurer shall give such notice promptly to all members in default.

Where a member has been dropped from the roll of membership for non-payment of dues, he may be reinstated as of the then immediately preceding anniversary of his prior membership by paying his current dues together with such dues (not exceeding \$12.50) as would have been payable if he had not been dropped from membership.

## SUSPENSION AND EXPULSION

*Article IX.* Any member of the Association may be suspended or expelled by the Executive Committee (after proper hearing) for misconduct in his relations to this Association, or for conduct unbecoming a member of the Bar. Such member shall have the right of appeal to the Association at its next business meeting (annual or special).

## MEETINGS

*Article X.* The Association shall have an Annual Meeting at such time and place as shall be determined upon by the Executive Committee; those members present at such meeting shall constitute a quorum. At such Annual Meeting the Association shall give a dinner to the members. In addition to the Annual Meeting, which shall be for business and instruction as well as for social affairs, there shall be held three other meetings of the Association during the year devoted primarily to Continuing Legal Education, these meetings to be held at such times and at such places and under such provisions as the Executive Committee shall determine upon.

Special meetings of the Association may be called by the Executive Committee for the consideration of the affairs of the Association, but at such special meetings no business shall be transacted except such as shall be specified in the call thereof. The Secretary shall mail to each member notice of each meeting not later than ten days prior to such meeting.

#### PRESIDING OFFICERS

*Article XI.* At all meetings of the Association the President shall preside. In his absence the First Vice-President shall preside. In the absence of both the President and First Vice-President, any member of the Association, selected without ballot, shall preside. In case of the death, resignation, incapacity or removal from the State of the President, the First Vice-President shall succeed to the office of the President. In the event any other office (including that of First Vice-President) shall become vacant by reason of death, resignation, incapacity or removal from the State such vacancy shall be filled by selection by the remaining members of the Executive Committee.

#### ANNUAL ADDRESS AND PAPERS

*Article XII.* The Executive Committee shall arrange the program for the Annual Meeting of the Association.

#### ORDER OF BUSINESS

*Article XIII.* The order of business at each Annual Meeting shall be as follows:

1. Registration.
2. Call to order.
3. Address by the President.
4. Minutes of the preceding meeting.
5. Report of the Executive Committee.
6. Report of Secretary-Treasurer.
7. Report of Standing Committees.
8. Reports of Special Committees.
9. Election and Installation of Officers.
10. Miscellaneous business.
11. Committee meetings.
12. Annual Address.
13. Annual Dinner.

The order of business may be changed by the Presiding Officer as he may conclude is desirable under the circumstances.

#### LIMIT IN DEBATE

*Article XIV.* No member shall, in discussion or debate, speak more than ten minutes at a time, nor more than twice on one subject.

#### PARLIAMENTARY RULES

*Article XV.* Roberts Rules of Order shall govern all meetings of the Association, except in cases otherwise provided by the Constitution and By-Laws.

STENOGRAPHER

*Article XVI.* The Executive Committee may employ a stenographer to assist the Secretary.

PRIVILEGES OF THE FLOOR

*Article XVII.* At any meeting of the Association members of the Bar of any foreign country or of any other state or territory may, on motion, be admitted to the privileges of the floor during such meeting.

HONORARY MEMBERS

*Article XVIII.* The Judges of the Supreme Court of the United States, the Judges of the Circuit Court and District Courts of the United States, having jurisdiction in this State, the Judges of the Supreme Court of South Carolina, and the Judges of the Courts of Common Pleas of the same and Judges of all County Courts and all members of the Law Faculty of the University of South Carolina shall be honorary members of this Association.

DELEGATES

*Article XIX.* The President shall annually appoint three delegates to attend the next annual meeting of the American Bar Association.

COMPLIMENTARY RESOLUTIONS

*Article XX.* The Association shall not consider a resolution complimentary to an officer or member.

THE SECRETARY-TREASURER

*Article XXI.* This officer shall keep a record of the proceedings of all meetings of the Association and of its Executive Committee. He shall likewise keep accurate records of all memberships, receipts and disbursements of funds; he shall inform the officers of the Association and the members of Committees of their election or appointment; shall issue notices of all meetings, and in case of special meetings shall add a brief note as to the object of the call; and he shall make reports to the Association and/or to the Executive Committee when called upon by the President and/or Executive Committee.

MEETING OF COMMITTEES

*Article XXII.* All Standing Committees shall meet at each Annual Meeting, at such time and place as their respective Chairmen shall appoint.

Special meetings of any Committee shall be held at such time and place as the Chairman thereof shall appoint.

FILLING VACANCIES

*Article XXIII.* The President shall have power to fill vacancies on all appointive Committees but not vacancies on the Grievance Committee. Vacancies on the Grievance Committee shall be filled by the Executive Committee.

## EXPENSE OF COMMITTEES

*Article XXIV.* The reasonable disbursement of the Committee on Grievances, and of the Executive Committee, for expenses incurred in the performance of their duties may be paid out of the funds of the Association but not, however, expenses incurred by them in attending annual meetings of the Association.

## DUTIES OF STANDING COMMITTEES

*Article XXV.* (A) The Committee on Institutes, Symposiums and Seminars shall be charged with the duty of arranging other programs during the year at various times and various places and upon various legal subjects.

(B) The Committee on Memorials to Deceased Members shall be charged with the duty of reporting at the annual meeting the names of members who shall have died during the preceding year, with appropriate memorials.

(C) The Committee on Public Relations shall study the matter of Public Relations and recommend to the Association and the Executive Committee methods of further improving these relations. This Committee will be charged with the duty of carrying out its recommendations which are approved by the Association or the Executive Committee.

(D) The Committee on Procedural and Law Reforms shall in addition to making and reporting studies in this field be active in developing organized efforts for improvement of procedure and law.

(E) The Committee on Ethics and Professional Responsibility shall be charged with the duty of encouraging high ethical standards and a deep sense of professional responsibility among the members of the Bar.

(F) The Committee on the Law School shall be charged with the duty of rendering assistance to the Law School in its operation and development, and act as a liaison between such school and the Association.

(G) The Grievance Committee. Under the Statutes of South Carolina certain duties devolve upon this Committee by the operation of law. This Committee shall be charged with the hearing of complaints against individual members of the Association, and they shall report thereon to the Association with such recommendations as they may deem advisable.

(NOTE: Whenever any complaint shall be preferred against a member of the Association for misconduct in his relations to the Association, or in his profession, the person preferring such complaint, hereinafter referred to as the plaintiff, shall present it to the Committee on Grievances, in writing, subscribed by him, plainly stating the matter complained of. The member complained against is hereinafter designated as the defendant.

If the Committee be of opinion that the matters therein alleged are of sufficient importance, they shall cause a copy of the complaint, together with not less than five days' notice of the time and place when the Committee will meet for the consideration thereof, to be served upon the defendant, either personally or by leaving the same at his place of business during office hours, properly addressed to him; and they shall cause a similar notice to be served on the plaintiff.

At the time and place appointed, or at such other times as may be named by the Committee, the defendant may file a written answer or defense, and

the Committee shall proceed to the consideration of the case upon such complaint and answer, or upon the complaint alone if no answer is interposed.

The plaintiff and defendant shall each be allowed to appear in person and by counsel, who must be members of the Association.

Before the trial shall begin the defendant may object peremptorily to any one or more of the Committee, not exceeding three; and the places of those objected to shall, for the purpose of the trial, be supplied by appointment of members of the Association, by a majority of the remaining members of the Committee.

The Committee may summon witnesses; and if such witnesses are members of the Association, a neglect or refusal to appear may be reported to the Association for its action.

Testimony shall be taken in accordance with the rules and practice of the Courts of Common Pleas of South Carolina.

The Committee, of whom at least five must be present at the trial (except that a less number may adjourn from time to time), shall hear and decide the case thus submitted to them, and shall determine all questions of evidence.

If they find the complaint, or any material part of it, to be true, they shall so report to the Association, with their recommendations as to the action to be taken thereon; and on request of either party they may, in their discretion, make the evidence, or any designated part thereof, part of their report.

The Association shall take such action on said report as they may see fit; Provided, only, that no member shall be expelled or suspended unless by the vote of two-thirds of the members present and voting.

When a member is thus expelled the Executive Committee shall appoint two members of the Association to act as prosecutors, whose duty it shall be to take the steps necessary to his disbarment.

Whenever charges of unprofessional conduct or of fraud shall be made in writing against a member of the Bar of South Carolina, not a member of the Association, the Committee shall investigate said charge forthwith; and if in any such case the Committee shall report to the Executive Committee that in their opinion the case is such as requires prosecution, the Executive Committee shall appoint two members of the Association to act as prosecutors, whose duty it shall be to take the steps proper to the disbarment of the said attorney at law.

All the foregoing proceedings shall be secret, except as their publication is hereinbefore provided for, unless otherwise ordered by the Association by a two-thirds vote.

The Committee shall meet annually thirty days in advance of the Annual Meeting of the Association for the purpose of completing its work and preparing its report.

The President, upon the request of the Grievance Committee, shall appoint two reputable members of the Bar of this State, to be recommended by the Committee, to investigate and prosecute any charges against members of the Association; and that the expenses of such attorney incurred investigating and prosecuting such charges be paid.)

(H) The Committee on Review of Statutory Law shall prepare a report annually in time for publication in the June issue of the South Carolina Law Quarterly, which report shall embrace notes on all state wide legislation adopted that year by the South Carolina Legislature.



(I) The Committee on Review of Case Law is charged with the duty of reporting on the rendition of important decisions of the Supreme Court in South Carolina and of the United States Courts during the year and filing their report with the South Carolina Law Quarterly in time for publication in its September issue.

(J) The Committee on Legislation shall be charged with the duty of representing the Bar Association before the Legislature of South Carolina in an effort to accomplish the enactment of Bills recommended by the Association to the Legislature, and further this Committee shall assist any special committee that may be appointed especially in regard to some proposed legislation.

(K) The Committee on Unauthorized Practice shall be active in discovering and preventing such practice.

The address of the President, the reports of Committees, and a summary of all proceedings at the Annual Meeting and at special meetings shall be published annually in the South Carolina Law Quarterly.

#### AMENDMENTS

The Constitution and By-Laws may be amended at any annual or special meeting of the Association by a vote of the majority of the members present.